



CITY OF ANN ARBOR, MICHIGAN

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Office of the Mayor
John Hieftje

March 16, 2009

The Honorable Rebekah Warren
State Representative
State Capitol
P.O. Box 30014
Lansing, MI 48909-7514

On February 3, 2009 in Governor Granholm's State of the State address, she indicated that there is going to be a major change in how wetlands are protected in the State of Michigan. This plan calls for repealing the state's authority to administer the federal wetland protection program under Section 404 of the Clean Water Act.

Such action will have negative effects on the City of Ann Arbor's efforts to protect its wetlands and water resources. I can't think of any reasons why this change would be good for the City. Here is a brief list of the possible negative effects to the City of Ann Arbor by repealing the state wetland program:

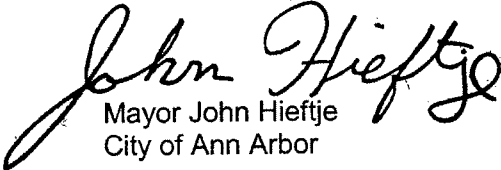
1. The City relies informally on locally-knowledgeable State wetlands staff to support us in implementing our local wetlands ordinance. Under the proposed repeal the US Army Corps of Engineers (Corps) would take over wetland permitting. The Corps, who handle the wetland permitting for the US Environmental Protection Agency (EPA) has a limited number of staff in Michigan. The MDEQ has 10 offices in the state, which employ 35 district field staff for wetland permitting and 8 supervisors that deal specifically with wetlands. The Detroit District of the Corps has 6 field staff and 2 supervisors that deal with wetlands in Michigan and Northern Indiana. The difference in staffing and priorities is likely to result in less support for City of Ann Arbor's program.
2. Many of the wetlands regulated by the City's ordinance will not meet the Army Corps definition of regulated wetlands. Currently State and City permit decisions utilize similar criteria, making State and local permits compatible. The City may be more open to challenges of its wetland permitting decisions if applicants receive a very different permit from the Army Corps.
3. Developers rely on timely DEQ permit processing, and the wetland assessment program, to keep projects on track. The Army Corps process is widely reported to take more time, and to be more confusing due to court decisions that regularly

change the interpretation of federal wetlands law. In addition, the local permit criteria required by the proposed changes to state wetland law could further complicate permit decisions for our local wetlands ordinance. These delays could negatively interfere with economic development.

4. The small, isolated wetlands unregulated by the Army Corps provide substantial environmental and economic benefits, such as stormwater filtration, flood control, erosion control, groundwater recharge, wildlife habitat, and threatened and endangered species habitat. In making it more difficult to regulate these wetlands, some of these benefits are likely to be lost.

The City of Ann Arbor recommends that the Michigan legislature not repeal Part 303, and that the State of Michigan does not repeal its authority to administer the federal wetland protection program under Section 404 of the Clean Water Act. Maintaining this authority and maintaining Part 303 supports the City of Ann Arbor's efforts to protect the natural and beneficial functions of our wetlands and water resources.

Sincerely,



Mayor John Hieftje
City of Ann Arbor